



CONNECTICUT
LEGAL
RIGHTS
PROJECT, INC.

WRITTEN STATEMENT OF KATHLEEN FLAHERTY, ESQ.
EXECUTIVE DIRECTOR, CT LEGAL RIGHTS PROJECT, INC.
APPROPRIATIONS COMMITTEE PUBLIC HEARING
FEBRUARY 22, 2017

GOVERNOR'S H.B. 7027: AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE THIRTIETH 2019, AND MAKING APPROPRIATIONS THEREFOR. With regard to the proposed budget for Probate Court Administration.

Senator Formica, Senator Osten, Representative Walker and distinguished members of the Appropriations Committee:

Good evening. My name is Kathy Flaherty and I'm the Executive Director of Connecticut Legal Rights Project (CLRP), a statewide non-profit agency that provides legal services to low income adults with serious mental health conditions. CLRP was established in 1990 pursuant to a Consent Order which mandated that the state provide funding for CLRP to protect the civil rights of DMHAS clients who are hospitalized, as well as those clients who are living in the community. I'm also the Vice Chair of the Keep the Promise Coalition (KTP). KTP is a coalition of advocates (people living with mental health conditions, family members, mental health professionals and interested community members) with a vision of a state in which people with mental health conditions are able to live successfully in the community because they have access to housing and other community-based supports and services that are recovery oriented, person-driven and holistic in their approach to wellness. Lastly, I'm a member of the steering committee of the Connecticut Cross Disability Lifespan Alliance, an alliance of people of all ages with all disabilities who pursue a unified agenda.

I am unable to make it to the budget hearing in person but wanted to submit this statement in regard to the Governor's proposed budget for Probate Court Administration. Many of CLRP's clients interact with the probate court system, often not by choice – such as in hearings regarding involuntary commitment, involuntary medication, or a petition for the appointment of a conservator of the person or estate. Sometimes our clients bring proceedings in probate court to remove and/or change a conservator, or to ask the court to appoint a conservator to act on their behalf. When conservators perform their function to act in the best interest of the conserved person, respecting the rights of the conserved person to meaningfully participate in decisions made to the fullest extent possible, systems of care save money. When people's bills are paid in a timely fashion, people are able to remain in housing in the communities

of their choice. When a person who is inpatient in the hospital lacks the legal capacity to make decisions about her health, and the court appoints a conservator to make a “substituted judgment” decision with regard to the use of medication, it can often mean that the time spent in an inpatient setting is reduced if the medication is successful at reducing the symptoms that resulted in the person’s hospitalization. Probate Court Administration is not inaccurate in stating that they are the “safety net behind the safety net” – it is their job to preserve due process rights of individuals who are subject to court proceedings, and expend funds for court-appointed representation of individuals who cannot afford to pay for their own attorneys. We have seen a number of local mental health agencies – both state-operated and private not-for-profit providers – reduce their intake for financial case management programs as funding is cut in the DMHAS budget. When programs are no longer able to serve as representative payees for individuals to whom they provide other services, and those individuals are unable to manage their funds effectively to meet their basic needs, it is the probate court which steps in to appoint a conservator.

Because of the important role that a well-functioning Probate Court plays in the lives of our clients, Connecticut Legal Rights Project supports the funding request made by Probate Court Administration.